

The Employment Law Firm  
Cynthia L. Pollick, LLM  
I.D. No.: 83826  
363 Laurel Street  
Pittston, PA 18640  
(570) 654-9675

Attorney for Plaintiffs

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH ZAWATSKY, et al. :  
:  
Plaintiffs :  
:  
v. :  
:  
JEDDO STARS ATHLETIC :  
ASSOCIATION, et al. : DOCKET NO: 17-621  
:  
:  
Defendants :  
:

**BRIEF IN SUPPORT OF MOTION FOR ATTORNEY FEES AND COSTS**

**STATEMENT OF RELEVANT FACTS**

On 10/23/2017, this Court granted Plaintiffs' Motion to Strike/Remand. In doing the same, this Court allowed Plaintiffs to seek attorney fees and costs related to their efforts resisting removal. Plaintiffs have a contingency fee agreement with Plaintiffs' counsel. The Agreement specifically provides for an hourly rate of \$400 for Plaintiff's counsel. The last fee petition that Plaintiffs'

counsel submitted and was approved provided that Plaintiff's counsel be awarded an hourly rate of \$275<sup>1</sup>.

## **DISCUSSION OF THE LAW**

As this Court correctly states, the award of fees and costs are recoverable if removal is objectively unreasonable. Plaintiff's counsel accumulated 9.2 hours in resisting removal in this matter. (See Exhibit "A"). Plaintiffs incurred the cost of \$38.75 for the transcript of the proceedings in state court that was used to show Defendants requested and was granted jurisdiction with Judge Amesbury presiding over the case. Consequently, Plaintiff seeks 9.2 hours in attorney fees.

## **CONCLUSION**

For the preceding reasons, Plaintiff respectfully requests that this Court grant her motion for attorney fees and costs.

Respectfully Submitted:

By: s/ Cynthia L. Pollick  
Cynthia L. Pollick, Esquire  
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Pittston, PA 18640  
(570) 654-9675

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<sup>1</sup> Davis v. Fox, 12-1660, Doc. 173, dated 11/9/2016.

## **CERTIFICATE OF SERVICE**

Cynthia L Pollick, Esquire, hereby certifies that on November 1, 2017, she served a copy of Plaintiffs' Brief by serving a copy via electronically on Defendants' counsel:

Michael J. Diamond, Esquire  
The Chartwell Law Offices  
One Logan Square, 26th Floor  
130 North 18th Street  
Philadelphia, PA 19103

Donald Karpowich, Esquire  
Sean W. Logsdon, Esquire  
Kevin M. Walsh, Jr., Esquire  
85 Drasher Road  
Drums, PA 18222

s/ Cynthia L. Pollick  
Cynthia L Pollick, Esquire